

Iowa Judicial Branch
Digital Audio/Video Recording Technology (DART) Committee
Notes from the 5th Meeting (Final)
November 18, 2009; Des Moines

Attendance: see attached list of attendees

1. Welcome/overview by co-chairs

- The co-chairs reviewed the agenda
- Motion to approve notes from last meeting (Oct. 9) – approved unanimously

2. Report by Justice Served – for the Iowa Court Reporters Association

- A report, *Examination of How the Stenographic Reporter Enhances the Delivery of Business*, had been distributed to committee members prior to the meeting
- It was written by Chris Crawford (CC), President of Justice Served and consultant to ICRA
- *Mr. Crawford (via conference call) explained the key points set forth in the report:*
 - Digital AV recording is a viable alternative to using steno court reports
 - But a lot more involved than just recordings
 - Need good staff to annotate record;
 - Costs of DART are nearly identical to having a CR
 - Transcription services companies charge more than CR.s because it takes them longer to produce transcripts from recordings
 - ◆ Committee staff noted that the private transcription company that produced transcripts from the five test courtrooms charged the same per page rate as CRs; same as stated in the IA Code/Court Rules
 - Hidden admin costs usually not counted
 - Florida has had a lot of problems; pay attention to their situation; unattended consequences
 - ◆ Need a digital recording monitor; most dissatisfaction due to lack of a DART monitor in the courtroom
 - ◆ Un-annotated digital recordings are a big problem – takes much longer to review to; reduces productivity
 - ◆ DART works, but it requires planning and staffing
 - ◆ FL experience: Inappropriate conversations get recorded; attorney-client privilege conversations
 - Need assurances that private transcriptions companies use domestic transcribers; problems sending recordings to overseas transcribers
 - Work with CRs to ensure the recordings are done right and so you get top quality transcripts

- Question: For which types of cases should we require CRs?
- CC: Higher stakes, higher likelihood of appeal – use CRs
- --Lower stakes hearings – most appropriate for digital recordings; but have equip monitored
- Question: Have you heard about experiences in Ohio?
- CC: Ohio is having budget problems. Locally funded; each county determines how to make record, how to staff courtroom
 - ◆ OH Courts of Common Plea – Magistrates have to learn how to turn on DAR equip.
- Comment: It would be very helpful if you could provide the committee a report version that has footnotes where you provide citations to studies that support your assertions
- Question: Is digital better than analog recording in terms of reliability or accuracy?
- CC: You definitely need to use digital. Better. Much higher quality. Easier to manage and store records. Need standards and protocols.
- Question: Are problems in CA and FL related to analog systems?
- CC: Some are; not all. Ongoing replacement; lack of protocols are also a problem.
- Question: When's the last time you sampled the newest technology?
- CC: At Court Tech Conference in Denver in Sept. 2009. They are all good and improving. Approaches are different. Avoid getting into proprietary software and platforms.
- Comment: On page 14 of your report you cite anecdotes from single courts to suggest that electronic recordings are not reliable or the transcripts are not as accurate. Are you aware of the 1983 study by the Federal Judicial Center in 11 Federal District Courts? It's the most methodologically sound study ever done on the comparative accuracy of transcripts. The FJC randomly sampled 2400 pages of transcripts and compared the steno reporters' versions to the transcripts prepared solely from audiotape recordings. It found transcripts from the audiotape recordings to be more accurate, and the findings were statistically significant.

Discussion of DART test courtrooms, recordings, and transcripts

3. Story Co. recording & transcripts

- Report by District Judge Bill Pattinson
- VIQ installed the system; they did a nice job
- Very clear recordings; Kris Magill – a former court reporter helped with the DAR equipment, monitored the equip; entered notes
- A district associate judge also did rocket docket in the courtroom
- Used remote mics in the chambers and for jury selection – worked well
- Interface wasn't as user friendly as some of the others – but it wasn't a permanent installation

- Problem on day 2; didn't work; VIQ help line was difficult to understand; judge emailed Leo Halperin at VIQ and he got on it right away
- Whatever can make my life easier is good; VIQ program allowed him to see the judicial assistant's annotations – and to add his own
- Judge could get his notes from home and annotations through the VIQ server; can search the notes; there's a lot of utility in these programs
- Question: What problem caused you to call the help line?
- Judge: Trying to search the annotations; couldn't get it to work
- Question: When you fixed the playback – did you go right to the question or did you have to play around with it?
- Judge: We went right to the spot in the recording. Kris Magill was very helpful; would be good to ask her at noon.
- Question: Any problem with parties moving around in courtroom and staying near mics?
- Judge: I gave attorneys and parties instructions before each hearing. When they did walk away anyway, the mics still picked it up. Went to the back of the courtroom to speak – as a test -- and mics picked it up.
- Question: How did you work with ICIS?
- Judge: We didn't; it wasn't necessary for this pilot test.
- Comment: ICIS didn't connect the DART in Story Co. to the ICIS network. ICIS staff did provide Dickinson Co. with a quick program to load the list of cases on the calendar each day into the DART management program – at the request of High Criteria.
- Judge: If I was anywhere that I could get access to the VIQ server, I could access the recording.
- Comment: These are all temporary DART setups; we didn't see all the features from any of the vendors.
- Comment: Didn't hear much background noise in the Story Co. recording of the divorce proceedings. The sound was excellent.
- Judge: Mics on counsel tables – mute buttons; had to press to mute, then press again to un-mute; that was a problem a couple times.
- Comment: Story Co was very clear and audible. CR recorded all “uh” and “um” sounds; “gonna” – not “going to”. Digital transcript cleaned this up throughout. There were some minor errors in the transcript from the recording
- Comment: Almost all CRs and digital transcribers cleaned up the “uh” and “um” and “gonna” sounds/language. Is that a policy? Trained to do this?
- Court reporter: Never cleans up a witness. It shows something about the person.
- Court reporter: We were taught to clean it up for attorneys and judges.
- Comment: It seemed to be the same for most transcripts

- Court reporter: If the CRs knew they would be compared to DART, they probably included all the sounds and didn't clean it up.
- Comment: DART transcribers chose not to include those sounds.

Additional Observations about Story County (via conference call)

- Kris Magill (judicial assistant): her observations RE: **Story Co.**
 - CR for 25 years, moved to clerk office (carpel tunnel)
 - VIQ system not very user friendly
 - Tech problems early on; had to shut down during a jury trial
 - Quality of recording is fabulous; amazed at it.
 - Used wireless mic in chambers, motion in limine; she was in courtroom monitoring – she could hear it very well.
 - Attorneys from Chicago; mumbled something; I could hear them clearly on the recording
 - Quirky things; it would pop up with errors; restart – and would work fine
 - Software not so user friendly
 - Recording/sound was excellent
 - Used for jury trial – four stationary mikes; four wireless; jurors passed wireless mike around. Could hear them better on playback than in the courtroom live. Very impressed with how it worked with jury selection
- Question: Did jurors feel inhibited by holding a mike?
 - Answer: Didn't seem like it, but attorneys worried about it.
- Question: Did each juror ID self?
 - Answer: She entered a lot of annotations; she entered names even if they didn't ID self
- Q: Problems with attorneys moving around during trial?
 - Answer: Not usually. Someone in back of courtroom made a comment in regular voice and you could hear it on recording.
- Holly – Observations by Judge Pattinson's court reporter **RE: Story Co.:**
 - She didn't experience any problems. First day was a trial, which went well. Second day there were problems, which took a while
 - Question: Do you think DART affected the way attorneys behaved?
 - Answer: They sat by the mikes, didn't walk around

4. Dickinson Co. recording & transcripts

- *Transcripts discussion*
- One attorney participated via conference call; sounded a bit tinny on the recording
- Judge: The courtroom is newer and good acoustically
- Comment: I thought the recording was clear

- Comment: Substantive error in court reporter's transcript: "insured" vs. "insurer" –had to listen using the slowest speed and headphones ... and listened multiple times.
- Comment: Digital transcriber didn't understand the IA Court Rules; the court reporter did
- Comment: Liked the video from Dickinson Co.
- Comment: Software from Dickinson was also easiest to use.
- Judge's judicial assistant: Annotations are very easy

Dickinson Co. – discussion of recording & transcripts (participants joined via conference call)

- Report by District Associate Judge David Larson (*via conference call*)
Also participating via conference call:
Clerk of Court – Marcia Eckerman
Missy Webber – Clerk office; did confidence monitoring, log notes
- Judge: He had a positive experience with the DART system from High Criteria
- Gordon Bennett from HC was very helpful in setting it up, and he stayed to assist for a day.
- System has 8 mikes and a camera behind judge looking out to courtroom
- Decided didn't need wireless mikes; mikes picked up everything
- Attorneys complained mikes were too sensitive
- Bennett (from High Criteria) thought we over-miked the room
- Use in court room: very unobtrusive; set up in the corner of courtroom
- Didn't give much instruction to attorneys
- With a camera you don't need to know who was speaking; attorneys don't need to ID selves each time they speak
- Audio only: with log notes – you can tell who was speaking.
- Good acoustics, newer courtroom
- Recordings much better than little recorder he currently has for small claims
- Downloaded the recording to send to committee staff; no problem downloading it to CD or flash drive
- HC customer support was very helpful.
- Download their player; need latest version --- HC gave us a link to it, very helpful
- Overall experience with HC was very good – called help desk 5 times
- Equipment is very reliable
- Question: Does your program let you take notes yourself?
- Judge: No. We didn't get that function. We could get it with HC if requested.
- Question: Any tech problems at all?

- Judge: Only tech issue was when another judge was using it. Caught him by surprise. Marcia / Missy helped him. Audio records right away; video takes about 5 minutes to start.
- Judge: He evaluated the Polk County hearing and transcripts; there were more transcript errors by the CR. Logical; CR gets just one shot at it. DART: you can play it back multiple times. Slow down speed. Isolate mikes. Certainly true in the Polk Co. hearing. Almost none of the errors were major. CR left out stuttering type sounds. Digital transcript was more accurate. Overall completeness and clarity of recordings: Excellent
- Question: Two people in courtroom to monitor DART in Dickinson Co.?
- Judge: No, only one at a time. Very brief training. Need more if we do this full-time. Thinks we should have someone with CR skills/knowledge running the system. He likes the Willmar, MN, model with a CR/ER running the system and ensuring a good recording. Cross-training of ER/CR is important. Judges shouldn't have to enter log notes.
- Question: Clerks – any observations?
- Answer: Very simple to learn, to use. Didn't have much training. Mostly how to navigate around the program. Learned what log notes to enter from the judge.
- Question: Did you sit in on hearings?
- Answer: Yes, we made log notes.
- Judge: Do you ever go back and add log notes later?
- Answer: Once or twice.

5. Polk County recording & transcripts

- (Note: Judge Brandt, from Polk Co., had not arrived at this point)
- Comment: This particular CR didn't do as well as the DART transcriber
- Comment: The power of the DART really struck me. This was a daunting task. Listened generally, then listened while reading the DART transcript.; then to the CR transcript; far more errors by CR in this case; a few errors in meaning. The quality of the recording is good. They come out with two different versions.
- Comment: CR can see mouth move to discern words; DART transcriber cannot. But cannot account for errors. Human factor... anticipating what will be said next... results in errors by CR. "Can" vs "can't".
- Comment: The CR for Judge Brandt is relatively new. She used to work for a judge in another district, but she's been a CR for at least 6 years.
- Comment: Also saw an error by the CR in Black Hawk County due to anticipation.

- Comment: Polk Co. recording was the most difficult to understand. CR transcript isn't as good as we usually see. Both cleaned up the lawyers' language. What's said at counsel table.... Shouldn't necessarily be included.
- Comment: Lawyers were hardest to hear in Polk Co. Sitting at table.
- Comment: Using headphones or ear-buds when listening to the recordings helped a lot.
- Comment: Important to analyze where to place microphones. Polk: very difficult acoustically. Probably had too many mikes. Need to examine each courtroom.
- Comment: That's why ability to isolate tracks is key. Also – problem if a recording includes attorney-client conversations.
- Comment: Salt Lake City, Omaha, and Lincoln – attorneys knew they shouldn't have private conversations in the courtroom.
- Comment: Hennepin Co., MN – no one gets a copy of the DAR recording. Transcript is official record. This is to ensure no private conversations become public.
- Comment: The CR in Polk is an anomaly. Not as good as other CRs.

BREAK (10:58)

Polk County recording & transcripts (continued)

- *District Associate Judge Brandt, from Polk Co., arrives to present his report*
- He thinks the system works; he hasn't seen the transcripts; there have been issues with this CR. Generally his experience over years with CRs is good
- No instances of failure during test period. Randomly picked a hearing to see if it's still working. Haven't found any inaudible.
- High volume courtroom. Mostly guilty pleas. Most things take place at the bench. Turn off mikes at counsel table. Tells attorneys sometimes that we're recording – which makes them shut up.
- Hasn't tested to see if you can hear what people say in back. Gallery is very close to counsel tables. Could pick up voices from gallery.
- Use it for hearings we wouldn't usually make a record for – since the DART is there. Not enough CRs now, so I have to wait to get a CR for some hearings. Budget driven.
- Recommendation for DCA in Polk: Absolutely we should use FTR equipment rather than the hand-held digital recorder currently used. FTR system is head and shoulders above it. He does small claims appeals. The recordings from the hand-held recorders are inferior.
- Question: How much coaching do you do with the parties?
- Judge: He decided not to give instructions every time. Judges just aren't going to do this every time, so decided to test by not giving instructions. Today: defendant said "uh-huh" etc. Had to instruct him. Occasionally tells people to speak louder. Tell people in gallery to be quiet.

- The mikes at front set at 80% and at counsel table at 50%. Defendant usually stands in front of CR. Have mike at CR table.
- Question: Was the victim at an 80% mike?
- Judge: No. 50%. Victim used a prepared text. Attorney for the defendant was subbing for his partner; not well-prepared
- I run the system from the bench. Ct attendant is getting files, making copies, just too busy to run the machine. Wasn't really distracting. A longer hearing.... Mostly do guilty pleas. Don't annotate short hearings. Enter case number, title (state v. xxxx), type of hearing. That's it. Longer hearings... motion to suppress... also enter witness names when they start speaking.
- He learned some tricks. When you turn off system. Then start again... you have to adjust the time to the current time. Just have to learn this. Not hard to do. Have to remember to do this. Have to turn off or it continues to record.
- Attorneys asked if they could get copies of recordings... Judge said No.
- Question: Any difficulties?
- Judge: Called FTR help to learn how to copy files from a hearing to send to JG. Never had any trouble running the system.
- Question: Ever use the hearing recording to create orders?
- Judge: Used it to check a couple facts, dates. Short hearings. He questions how it might work if you have a 5 day trial. 10 minutes guilty plea gets appealed? Easier to just send the recording. Very small percent of cases get appealed in DAJ courts. DART works for his type of cases. Huge discussion of cost/benefit of doing this for a long hearing.
- Question: Did you do any CINA cases?
- Judge: No.
- Question: Appeal of a guilty plea? Currently just paper signed.
- Judge: Small claims cases: \$10 fee for a digital recording. 90% of misdemeanor cases are just on paper.
- Question: Are you tech savvy?
- Judge: He chaired Judicial Tech Committee... Yes, he's savvy.
- But for most judges, it would be very difficult to have to pay attention to a long trial and effectively annotate the digital record; most judges would have no interest in doing this
- Question: Do you edit yourself knowing there's a DART recording?
- Judge: I don't think so.
- Question: Have attorneys started having conversations with their clients in the hallway, rather than in the courtroom?
- Judge: No. It hasn't' changed their behavior. They don't even notice it's there.

- Question: Would you be comfortable that an accurate record could be made if you just let the recording system go... day after day?
- Judge: I think it would be OK
- Question: What are annotations like?
- Judge: Short phrase, indicate who was speaking, time-stamped.
- Question: Hypothetical: CINA, 7 attorneys. Would you feel comfortable being the person to monitor the equipment if you had a contested case like this?
- Judge: Probably not. It does temporarily take your attention away from parties. Should have someone focus on notes
- Question: Did you try doing annotations on FTR system?
- Question: No. He kept his own hand-written notes.
- Comment: FTR and most other DART vendors – judge’s annotations can be kept/saved separate from DART recording; you pay more for this function.
- Comment: The judge had this function with the VIQ system in Story Co.

6. Black Hawk Co. recording & transcripts

- (Note: None of the judges who worked in the test courtroom in Black Hawk County were able to attend the meeting.)
- Comment: Liked the video recording from Black Hawk; the audio was also good.
- Comment: Surprised at the part where you couldn’t hear the prosecutor, and the judge talked over her. The CR heard part of what she said. The digital transcriber caught only a part of it. “It’s in the order...” Prosecutor was soft-spoken, difficult to hear. Conference between the attorney and client; hadn’t seemed a problem at first, but when you isolated the attorney’s mike; CR heard “is that your understanding?” Digital transcriber ... doesn’t know.
- Comment: The CR at the end of the hearing heard the judge say “you have a right to appeal” when he actually said “you have no right to appeal.” CR reported “fine only”... dig transcriber reported “final lee (sic)” – which didn’t make sense. Some other differences... except when you couldn’t hear. Short hearing. Judge was always clear and well spoken. Lawyers not so clear. She didn’t use headphones and had trouble with the playback function. It was hard to be precise. Fun to isolate different mikes. Didn’t work well enough to hear what prosecutor was saying.
- Comment: The video was very nice. Very helpful.
- Comment: The video is truly better -- you can see who’s talking. The JAVS video is much better than FTR video (in Polk Co.).
- Comment: The video in VIQ’s recording (Story Co.) was very good.
- Question: If appellate judges could get the video, would you start making new findings of fact?

- Answer: If de novo review, we could.
- Comment: Courtroom in Black Hawk is huge, acoustically bad. Prosecutor should not have stood up; they should have stayed seated by their mikes. Need to be able to mute attorney mikes.
- Comment: He evaluated the Black Hawk recording and transcripts. He used headphones and isolated tracks. Could hear the prosecutor. CR: "Right to appeal" – dig: "No right to appeal" – is correct.

LUNCH BREAK (11:50)

Meeting continued at 12:15 PM

NOTE: Some participants joined the meeting via conference call during the lunch hour

7. Jefferson Co. recording & transcripts

- *Participating via conference call:* Assoc. Juvenile Judge Bill Owens and Kasey Vogel, Judge Owens' court attendant during the DART test
- Judge Owens: He takes the FTR portable DART system to five different counties. Courtrooms vary in acoustics, from very bad to OK.
- Court attendant could hear quite well (using the headphones while monitoring the proceedings) despite acoustic problems
- Acoustics in Jefferson Co – about 4 or 5 on a 10 scale: high ceilings, large room
- User-friendliness? – Having recordings to listen to... once figured out how to do this. It's very easy to use the FTR Player. Listen to one or all the tracks. Misplaced his own personal notes for one hearing, so Kasey emailed him the recording. Worked well... he could write his ruling. Tech issue the first day – FTR handled it quickly.
- Courtroom management issues: No attorneys complained about using the equipment. Judge usually introduced the attorneys and called them by name each time before they spoke. "Mr. Smith, what record would you like to introduce on behalf of the state...."
- Checked completeness and accuracy: Listened a few times. Quality is very good. Has a set of headphones. He recognizes the voices.
- Experience with the company? FTR seemed like it did what we needed; worked just fine. Lawyers, clerk staff, attorneys have asked how it's working.... The real proof is in what the transcripts look like.
- Recommend: Need mikes with a MUTE button.
- One parent whispered to another parent. History of domestic violence between the two of them. Attorney – sitting 2 feet from his client -- came to me (judge) afterward and asked what his client had said. Kasey said she heard everything while monitoring the recording of the proceeding.

- *Kasey: Ct attendant:* FTR was excellent, no problems with software, tech assistance – very helpful, responded quickly. Some of problems were our own; could have used more training. Probably didn't use all the features. No tech problems. Biggest problem was emailing the large file size to committee staff. No courtroom management problems. Had to move into another courtroom one day. Mixer was quite a distance from the mikes. Recordings turned out great. Very good clarity and completeness
- *Recommends:* Have someone to run the equipment. Example: A person participated by phone. Put microphone next to speaker phone, right next to Judge Owens. Person on phone spoke very softly. Had to raise volume for participant on phone, turn it down for Judge Owens.
- Can hear the recordings much better if you use headphones! More clear.
- *Question:* Would you (judge) recommend a portable system?
- *Judge:* Have to be careful about wires on the floor; but takes only 5 minutes to set up; it's probably workable.
- *Question:* Was there a backup drive or function besides the main hard drive?
- *Court attendant:* FTR guy said they would install a second backup if we bought a permanent system. Somehow the files are also saved to the web, so FTR guy could access them. Could also save to a network drive. Confidence monitoring – hear the sound from the hard drive.. a few seconds later than actually spoken.
- *Comment by a judge from one of the other test courtrooms:* I've concluded that the equipment is not a replacement for a CR. DART is just another way to obtain a verbatim record. You still need a qualified, knowledgeable staff person to monitor equipment. He likes the Willmar, MN, model: a CR/ER (electronic recorder/reporter) in each courtroom.
- *Comment:* The transcripts from the court reporter and digital recording from Jefferson Co. were equally accurate.

8. General conclusions from the research by this committee

A. Costs of DART

- Committee staff explained tables in the Costs report (distributed prior to the meeting)
 - Tables show estimates for courtroom hardware & software, plus centralized storage devices for backup & archiving, plus costs for additional T-1 lines for 25 larger counties (for backing up video recordings to Des Moines), plus ongoing costs that include: four ICIS/DART tech staff, monthly T-1 charges, and annual contributions to a fund to replace/upgrade equipment every five years
 - Table 1 shows mid-level estimates based on \$20,000 per courtroom for audio-only and \$25,000 per courtroom for an A/V system

- Table 2 shows higher-level estimates based on \$25,000 per courtroom for audio-only and \$30,000 per courtroom for an A/V system
 - The tables do not include the costs for courtroom support staff salary & benefits
- Comment: Cost estimates *must* include staff support costs to monitor courtroom equipment
- Committee staff provided figures on the average annual salary and benefits for three support staff positions:
 - Court reporters: \$90,074 CR salary & benefits
 - Judicial assistants: \$58,701 salary & benefits
 - Court attendant II: \$44,156 salary & benefits
- Comment: We also need to see the average salary & benefits for a “Court attendant/clerical” position, which wasn’t shown on the handout at the meeting
- Comment: A Judicial Assistant position requires one year of law office experience plus + four years of courtroom experience – or a paralegal degree and 2 years of courtroom experience
- Comment: What type of support judges need is a whole issue for another study; this committee’s report can refer to this issue, and refer to the costs of support staff. Recommending which types and how many support staff is not part of this committee’s charge.
- Comment (by a judge): I don't have all the support that some people claim judges need
- Comment: We need to give a range of costs for providing support
- Comment: The problem is there are a lot of tasks that need to be done in the courtroom. Assess what needs to be done in the courtroom.
- Comment: The chief justice has said we need more support for judges.
- Comment: We can a table on this in the appendix; it's not this committee’s charge to determine an adequate number and type of staff each type of judge should have
- Comment: These are questions of policy and administration. The needs are very different from one county to the next. We can’t factor all that into this report.
- Comment: If we could be more uniform, its’ much cheaper.
- Comment: In the tables we added four new staff for ICIS/Central DART support; they will do ICIS & DART support. Cross train for ICIS and DART hardware support
- Question: How would DART system interface with EDMS? Want it to be compatible
- Answer (by ICIS staff): Not clear how that will work at this point; they are two separate systems. We can back up and archive DART recordings without affecting EDMS. We could link the AV files to online case records, like the federal courts in Omaha and Lincoln do.

BREAK

- Question: How would we purchase DART now or any time soon?

- Answer: Very difficult given the current budget situation
- Question: Judicial assistants in Polk: is it one for each judge?
- Answer: It used to be. Could be one for each DJ on civil bench plus criminal trial bench; DAJ court needs 1 to 1; juvenile court needs 1 to 2 judges
- Comment: I think .8 FTE support per judge seems appropriate
- Question: Can something less than a CR tend the DART equipment? That's the Q.
- Comment: It could depend on seriousness of the case... Use CR.s for serious cases
- Question: Why is that distinction important?
- Comment: The stakes are higher
- Comment: Yes. We don't want it coming back on appeal
- Comment: We should have at least a certified electronic reporter; they worked well in the Minnesota courts we visited
- Comment: Electronic Recorders (ERs) and CRs are paid the same in Minnesota: about \$10,000 less than Iowa's CRs
- Comment: The quality of the printed transcript is the bottom line; need some kind of certification for transcribers; don't need high level skills running the machine in the courtroom
- Comment: Utah has trained people from the clerk's office run the DART equipment; they think it works well
- Comment: In most places nobody continually monitors the recording volume
- Comment: Only need skill to monitor equipment; the key is having a skilled transcriber
- Comment: We really need two levels of staff: lower skilled staff to run the courtroom equipment, and a higher skilled person to do transcript
- Comment: Transcribers need to be skilled and certified
- Comment: Judges still need other support besides having someone to watch the DART equipment
- Comment: In the report, we can say: If we use a certified CR in every case, here's the cost (referring to average cost for salary and benefits; see above); if we use a judicial assistant for every case – here's the cost; if we outsource transcripts – the cost is the same price per page as in the Iowa Code or Court Rules. The rest is all policy. It's not one of our charges
- Co-chair: Committee staff will update the table with the cost of different types of support staff. Add the "court attendant/clerical" position. And add the minimum and maximum salary and benefits for each position. We'll include it in the first draft of the report and discuss it at the next meeting.

B. Reliability of DART

- Comment: Everyone in the site visit locations agree that the DART equipment and software are very reliable. Very few problems or failures over a period of five years.
- Comment: Would like to see a study of the accuracy of transcripts like the one the Feds did in 1983.
- Comment: Digital recording systems are better now
- Comment: Agrees; it's surprisingly good
- Comment: Agrees. But none of the five recordings we listened to were very challenging. However, the clarity was excellent
- Comment: Staffing is still a key; must have trained staff in the courtroom
- Comment: Not worth the effort to spend the money like the federal courts' study in 1983; shouldn't ignore that other courts have done this successfully and are satisfied.
- Comment: Are we getting an accurate comparison? She's impressed from what she's seen here, but one hearing from each of five courts is a limited sample.
- Comment: Appellate judges who have experience with DART have been doing it for a long time – they think it's good enough. But the examples we saw were very limited; she's persuaded that there are hearings that deserve CRs
- Comment: Wouldn't you like to have a recording to verify the transcript?
- Comment: Yes.
- Comment: People seem to think CRs' are error free. It's clear that they aren't. As a lawyer, he had a case in which he was convinced the CR got his witness' statement wrong. But CR was convinced she was right. But no way to verify it.
- Comment: CRs have a voice recorder in their equipment. Redundant. "AudioSync" – records on the PC. Just like with DART. Murder trial a few months ago. Attorneys came to her during a break. Asked to listen to a segment of testimony. They listened to verify.
- Question (to a district judge): Would you just run DART with a clerk monitoring the equipment for a 2 week felony jury trial?
- Judge 1: Yes
- Judge 2: Yes
- Comment (appellate judge): I disagree
- Comment: What we've seen... DART is at least equally reliable and accurate as court reporters; judges in other jurisdictions that have DART like having the audio to verify
- Comment: He likes the backup of DART – recording to two places for security
- Question (to district judges): Is it reliable enough to do a long, complex trial?
- Comment (court reporter): He uses AudioSync; green light can be on... but it's recording just noise. So it isn't always reliable.
- Question: Are we talking about comparative reliability .. compared to CRs?

- Comment: We are charged with determining whether it is reliable; not whether it is better than CRs
- Comment: I visited three courts; they all claim the equipment is reliable. If occasionally it didn't work, they fixed it quickly or replaced it.
- Comment: Hennepin Co. (MN) has never lost one word of a record.
- Comment: Salt Lake City lost a recording, but the guy was acquitted
- Co-chair: Calls for a vote on the reliability of DART
- **Motion:** *"If a qualified and trained court employee manages the DART equipment in the courtroom, DART can reliably record court proceedings."*
 - **Vote: YES (no dissent)**

C. Accuracy of DART

- Comment: Yes; I started skeptical, but turned around on this. With the right equipment and trained staff
- Comment: Agrees
- Comment: Agrees; recordings are impressive. What kind of trans will I get? If I can get an accurate transcript from DART, that's fine
- Comment: Need a certified CR to transcribe; need to know the transcriber is highly qualified
- Comment: Can we recommend a certain level of certification for transcribers?
- Co-chair: Yes; make a motion
- Comment: In Utah, former CRs did the transcripts
- Comment: Yes if well-trained/qualified staff monitor the equipment & and a qualified & certified transcriber (– by AAERT?) does the transcript – it can be accurate
- Co-chair: Calls for a vote on the accuracy of records obtained from DART
- **Motion:** *"Accurate transcripts can be obtained from DART recordings if there is a well-trained/qualified person to monitor the courtroom equipment and a qualified and certified transcriber produces the transcript."*
 - **Vote: Yes - Unanimous**
- Co-chair: Calls for a vote on the costs of DART:
- **Motion:** *"The committee finds that the cost estimates in Tables 1 and 2 (discussed at the meeting) reasonably reflect the expected costs for the purchase and installation of hardware and software, ongoing maintenance, and central support staff for a statewide DART system (assuming they include the cost of installation) – but not for courtroom support staff."*
- **Vote: Yes – Unanimous**

- Question: Does this include a PA system?
- Answer: Can build speakers into the DART system; it shouldn't cost too much
- Comment: Many IA courtrooms do not currently have a PA system. Add a footnote in the report that this needs to be addressed.
- **Cost for courtroom support staff**
- Comment: Committee staff should drop the court attendant I and II positions in the table handed out after the break, and put in the costs for a "court attendant/clerical" position
- Comment: Include in the updated support staff table a 1-to-1 support staff per judge, and the .8 FTE per judge
- Comment: What about secretary? Most CR.s provide secretarial assistance
- Comment: A judicial assistant and a court attendant/clerical are secretarial/paralegal
- Comment: Include entry level and top of range salary and benefits for each position
- Comment: Include job descriptions; include Judge Christiansen's description of CR duties
- Comment: Our charge does not include recommending what adequate staffing would be for judges
- Comment: Other jurisdictions that have done DART have more support staff for their judges; it's about more than just equipment
- Comment: : Alaska and Utah have just one person in the courtroom; we should just report the facts
- Comment: We need to be clear we aren't recommending staff levels
- Comment: We can report what we've learned; that's about it.
- Co-chair: The updated table with the minimum, average, and maximum salary and benefits for a court reporter, a judicial assistant, and a court attendant/clerical position, should adequately reflect the costs for courtroom support staff. It will be included in the draft of the final report.

Next meeting: Dec. 11 in Des Moines. Draft report will be sent to the committee by Dec. 4

Adjourned: 3:45 p.m.